

Applicants: Berg, et al.
Application No.: 09/344,735
Filed: June 25, 1999
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REMARKS

In response to the restriction requirement mailed herein on June 4, 2001, Applicants elected, with traverse, the species of Group 2, methods and apparatus directed to internal application. However, the description of the Group 1 and Group 2 inventions as presented by the Examiner in the restriction requirement is unclear.

In addition, Applicants received herein a Communication from the Examiner mailed herein on August 23, 2001 indicating that the response to the restriction requirement previously submitted was non-responsive because the previous response failed to include a listing of the claims readable on the elected species.

Therefore, in further response to the restrictions requirement and the communication from the Examiner requesting a listing of the claims, Applicants wish to elect with traverse the Group 2 species of the invention wherein the photosensitive agent is administered internally to the cell or subject and the light is administered by external irradiation of the cell or subject, for example, external irradiation of a portion of the exterior of the patient's body.

Applicants submit that the claims of the application that read on this elected species of the invention are claims 1-5, 13-19, 23-45, 52-54, 56-58, and 62-68. Accordingly, Applicants request cancellation of non-elected claims 6-12, 20-22, 46-51, and 59-61 without prejudice.

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In view of the above remarks, reconsideration and favorable action on claims 1-5, 13-19, 23-45, 52-54, 56-58, and 62-68 are respectfully requested. Should any questions remain in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

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